

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007-1581
(212) 805-6325

CHAMBERS OF
COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE

21 December 2007

TO ALL COUNSEL IN: Leighton v. Oberthur
FROM: Judge McMahon
DATE: December 21, 2007

Counsel:

I just learned that there was a substantial submission on the issue of standing by Oberthur, which was faxed to the District Executive's office instead of to my office (my fax number, for future reference, is 212-805-6326). We have obtained the submission and I have reviewed it briefly.

Having taken a look at this document, I have pulled this morning's order; it no longer appears on the docket. Before I can decide what to do with the standing motion, it appears that I will need to do some research, especially on the issue of whether inventorship presents a question of law – and, if it does, what that means.

I will say to Oberthur that I find its litigation tactics somewhat puzzling. Making a motion to dismiss for lack of standing strikes me as a roundabout way to put the issue of inventorship on the table. I want to be sure that everyone has had a full and fair opportunity to be heard on that issue before I rule.

I will hold a telephone conference in this case at 2:30 PM on January 2, 2008, so we can discuss these and other matters.

My best holiday wishes to you all.

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